

**SUPERIOR COURT OF CALIFORNIA – COUNTY OF SAN DIEGO
EAST COUNTY DIVISION**

DEPARTMENT 15 – POLICIES AND PROCEDURES

DEPARTMENT 15 STAFF:

Courtroom Clerk	Annette Draper	441-4500
Staff Attorneyv	Kathryn Marienau	
Court Reporter	Lynda Goodhue	441-4270
(I.C.) Calendar Clerk	Rosemari Via	441-4694
Bailiff	Donna Glenn	

This is a civil independent calendar (IC) department. Upon filing, cases are assigned randomly to either one of the two IC Departments (Department 15 or Department 14) and normally remain with that department until disposition.

Scheduling of motions and ex-parte hearings is accomplished by calling the IC Clerk. On Friday mornings, the IC Clerk is in the courtroom and not generally available to set dates and answer questions.

Integration with Local Rules All parties (including those in pro per) and their counsel are ordered to comply with the San Diego Superior Court Rules, Division II, “Civil Litigation.”

CALENDARS, CONFERENCES AND HEARINGS

Ex-parte Hours: Ex-parte matters are heard **by reservation only** on Tuesdays and Thursdays at 8:30am and on such other days and times as the Court may allow by special reservation. Reservations are made by telephoning the calendar clerk by 10:00am the day prior to the hearing. Papers in support of the application and proof of notice should be filed directly in Department 15 by 11:30am on the day prior to the hearing.

Discovery motions: It is the Court’s policy that application for a hearing date for a motion to compel discovery responses be made at an ex-parte hearing. It is the Court’s experience that many discovery disputes can be resolved without a formal motion. The party requesting the hearing should provide the Court with a copy of the discovery requests and responses that are in dispute. (The proposed formal motion is not required at the ex-parte hearing unless otherwise compelled by a filing deadline). It is a mandatory appearance by parties involved.

Request to appear by phone: needs to be submitted in writing no later than 5 days before the hearing. No telephonic appearances are allowed at the Trial Readiness Conference and Trial Call. Requesting party is to notify a Teleconference Provider and arrange for the appearance. If more than one party request telephonic appearance, parties are to use the same provider.

Order for publication: Paperwork requesting an order to publish may be submitted for review without an appearance. Obtaining an order to publish does not toll dates, e.g. certificate of service dates. The Court will scrutinize the jurisdictional affidavit to see whether the applicant

has taken “those steps a reasonable person who truly desires to give notice would have taken under the circumstances” and has complied with CCP 415.50 and CRC 379.

Guardian Ad Litem: Petition for appointment of guardian ad litem may also be submitted for review and approval without an appearance. The guardian ad litem **cannot** be someone who also has an interest in the action. Petitions to compromise minors’ claims are governed by Local Rule 2.37B.

Trial continuances: Ex-parte requests for trial continuances (and all related dates) require all counsel to be present and to know availability of clients, witnesses, experts and trial counsel for possible resetting of trial dates. Continuance fee is due upon the granting of the motion.

Cases ordered to mediation/arbitration at the time of CMC: Counsel are required to select the arbitrators (2 names) or mediators (2 names) prior to leaving Department 15. Additionally, trial dates will be set.

Reappointment of arbitrator/mediator: Requests for reappointment of arbitrator or mediator must state the agreed date certain for the continued arbitration or mediation hearing.

Law and Motion:

Reservations Required: This department hears motions by reservation only. Counsel must reserve a date for each motion to be filed, by contacting the IC Calendar Clerk at (619) 441-4694. Counsel will be given the first available hearing date.

Tentative Rulings: This department issues tentative rulings pursuant to California Rule of Court 324. Rulings will be posted on the San Diego Superior Court website (www.sandiego.courts.ca.gov/superior/) by 4:00 p.m. on the day preceding the hearing date. All law and motion matters are set for a hearing. Unless modified or vacated by oral argument, the tentative ruling will become the final order of the Court [See California Rule of Court 324] Parties appearing for oral argument must appear at 9:00 a.m. on the hearing date. Failure to appear will be deemed waiver of oral argument. Counsel are to call the department (619) 441-4500 on the day prior to the hearing if they submit on the tentative ruling

(a) **Summary Judgment/Summary Adjudication of Issues:** Motion for summary judgment being very labor-intensive, the Court limits the number of such motions which can be heard in any week. Even though the motion is timely filed, it is often very difficult to schedule the hearing within the 30 days before trial requirement. Counsel are urged to prepare and schedule summary judgment motions as soon as possible. Counsel are also urged to take into consideration that summary judgment motions require longer notice than ordinary motions.

Default Judgment by Court: Papers must comply strictly with “Requirements for Default Judgments” in Appendix A to Division II of Local Rules (Civil Litigation). Non-complying papers will be returned with a notation of defects. If personal testimony is required, counsel will be contacted by the IC Clerk in order to schedule a prove-up hearing.

Lillian Y. Lim
Judge of the Superior Court